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13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION  
17

18 COREPHOTONICS, LTD.,  
19 Plaintiff,  
20 v.  
21 APPLE INC.,  
22 Defendant.  
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Case No. 3:17-cv-06457-JD (lead case)  
Case No. 5:18-cv-02555-JD

**APPLE INC.'S NOTICE OF  
SUPPLEMENTAL AUTHORITY RE  
CLAIM CONSTRUCTION**

Date: February 23, 2022  
Time: 10:00 AM  
Courtroom: 11  
Before: Hon. James Donato

1 Apple respectfully notifies the Court that the Patent Office has issued an Office Action in  
2 the pending *ex parte* reexamination of U.S. Patent No. 9,185,291, one of the two asserted patents  
3 in this case. A copy of the Office Action is attached hereto as Exhibit A.

4 The Office Action finds '291 patent claims 12, 13, 17, and 22 unpatentable. Claims 12 and  
5 13 are asserted in this litigation.

6 The Office Action constitutes new intrinsic record relevant for the pending claim  
7 construction proceedings for which the claim construction tutorial is currently set for February 6,  
8 2023 and for which the claim construction hearing is currently set for February 23, 2023.

9 Specifically, the Office Action determines a new means-plus-function claim construction  
10 applicable to the "camera controller" element in apparatus claim 1 of the '291 patent and its  
11 dependent claims. *See* Ex. A at pp. 4-8. The Office Action finds that applying that means-plus-  
12 function construction, the cited prior art is not shown to render obvious those challenged claims.  
13 *See id.* Whether this Court should adopt the Examiner's means-plus-function construction is  
14 relevant to, and potentially dispositive of noninfringement and/or invalidity of, the asserted claims  
15 which contain the "camera controller" element, *i.e.*, claims 1-7 and 10 of the '291 patent.

16 The Office Action also rejects as invalid challenged claims 12, 13, 17, and 22 of the '291  
17 patent, which are method claims for which the Office Action does not apply a means-plus-function  
18 construction. *Id.* at pp. 10-14. Claims 12 and 13 are the only additional claims of the '291 patent  
19 asserted in this action beyond claims 1-7 and 10.

20 The Office Action directs Corephotonics to file a response, including any comments  
21 regarding the Examiner's means-plus-function claim construction, no later than February 22, 2023,  
22 the day before the scheduled claim construction hearing. *See id.* at cover page and pp. 8-9. Apple  
23 respectfully advises the Court accordingly.

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1 Dated: January 23, 2023

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